

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONIQUE RUSSELL, JASMINE RIGGINS,
ELSA M. POWELL, AND DESIRE EVANS,**

CIVIL ACTION NO. 18-5629

Plaintiffs,

v.

**EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,**

Defendant.

UNCONTESTED MOTION TO AMEND ORDER

Plaintiffs Monique Russell, Jasmine Riggins, Elsa M. Powell, and Desire Evans, on behalf of themselves and all others similarly situated, by and through their undersigned counsel, respectfully request that the Court amend its March 23, 2020 Order granting Plaintiffs' Motion for Class Certification (ECF No. 58) ("Order"). The sole amendment Plaintiffs seek is to appoint Z Law, LLC as additional class counsel pursuant to Rule 23(g)(1) of the Federal Rules of Civil Procedure.

In support of this motion, Plaintiffs state as follows:

1. Cory L. Zajdel is the managing member of Z Law, LLC, a Maryland law firm, and is counsel for Plaintiffs Monique Russell and Jasmine Riggins. He has been admitted *pro hac vice* in this matter. Plaintiffs moved for Z Law's appointment as co-class counsel in their briefing in support of the Motion for Class Certification. See ECF No. 47 at 9.

2. Mr. Zajdel received his J.D. *cum laude* from The Catholic University of America, Columbus School of Law and served on *The Journal of Contemporary Health Law & Policy*

publishing an article entitled *Discovery Rule in Medical Malpractice Under the Federal Tort Claims Act: The Supreme Court's Decision in United States v. Kubrick was not Meant to be Secondary Authority*, 20 J. CONTEMP. HEALTH L. & POL'Y 443 (2004).

3. Mr. Zajdel is a member of the Maryland state bar (Dec. 2004) and also admitted to practice before the United States District Court of Maryland, the Third Circuit, Fourth Circuit, Court of Federal Claims and the United States Supreme Court.

4. Mr. Zajdel and Z Law have substantial experience in handling class actions and are well qualified to serve as class counsel in this case. Since 2006, Mr. Zajdel has dedicated his practice almost entirely to representing consumers and has been appointed lead counsel or served as class counsel in statewide and national class actions by judges in both state and federal courts. *See, e.g., Bond v. Cricket Communications, LLC*, Civil Action No. 1:15-cv-923-GLR (D. Md.) (certified Jul. 9, 2018); *Williams v. Lendmark Financial Services, LLC*, Civil Action No. 1:13-cv-1740-GLR (D. Md.) (certified May 11, 2018); *Gales v. Capital One, N.A.*, Civil Action No. 8:13-cv-1624-WGC (D. Md.) (certified Mar. 31, 2015); *Shorter v. Lendmark Financial Services, Inc.*, Case No. CAL 13-20342 (Cir. Ct. Prince Georges County) (certified Aug. 1, 2014); *Hall v. Lendmark Financial Services, Inc.*, Case No. 24-C-10-006241 (Cir. Ct. Balt. City) (certified May 11, 2012); *McDaniels v. Westlake Services, LLC*, Civil Action No. 1:11-cv-1837-BEL (D. Md.) (certified February 3, 2012); *Thomas v. CitiFinancial Auto Credit, Inc.*, Civil Action No. 1:10-cv-528-JKB (D. Md.) (certified November 14, 2011); *Brooks v. Condor Capital Corp.*, Civil Action No. 1:10-cv-1376-BEL (D. Md.) (certified August 15, 2011); *Stillmock v. Weis Markets, Inc.*, Civil Action No. 1:07-cv-1342-MJG (D. Md.) (certified Apr. 6, 2011); *Mariner Finance, LLC v. Anderson*, Case No. 24-C-09-008935 (Cir. Ct. Balt. City) (certified Oct. 13, 2010); *Yates v. All American Abstract Company*, Civil Action No. 06-cv-2174 (E.D. Pa.) (certified RESPA class);

Robinson v. Fountainhead, 1:03-cv-3106- WMN (D. Md.) (certified RESPA class on Mar. 26, 2008) and (certified RICO class on Apr. 21, 2009); *Woods v. Stewart Title Guaranty Company*, 1:06-cv-0705-CCB (D. Md.) (certified consumer protection act class on Sept. 17, 2007); *Hankins v. CarMax Inc.*, Case No. 03-C-07005893 (Cir. Ct. Balt. County); *Benway v. Resource Real Estate Services*, Civil Action No. 1-05-cv-3250-WMN (D. Md.) (certified RESPA class on Oct. 16, 2006); *Taylor v. Savings First Mortgage, LLC*, Case No. 24-C-02-001635 (Cir. Ct. Balt. City) (certified Maryland Finder's Fee Act class); and *Jones v. NationsCredit Financial Services Corp.*, Case No. 24-C-02-000572 (Cir. Ct. Balt. City) (certified Maryland Finder's Fee Act class).

5. As a result of these and other cases, Mr. Zajdel has represented more than two and a half million (2,500,000) consumers and recovered more than one hundred million dollars (\$100,000,000.00) in relief.

6. Mr. Zajdel has briefed and argued cases before the United States Court of Appeals for the Fourth Circuit, the Court of Appeals of Maryland, and Court of Special Appeals of Maryland, and was counsel in a case granted *certiorari* by the United States Supreme Court.

7. Mr. Zajdel has participated as counsel for *amici curiae* in the Court of Appeals of Maryland on behalf of The American Civil Liberties Union of Maryland, CASA of Maryland, Inc., The D.C. Employment Justice Center, Labor Council for Latin America Advancement, Maryland Employment Lawyers Association, Metropolitan Washington Lawyers Association, The National Council of La Raza, National Federation of the Blind of Maryland, The Public Justice Center, The Maryland Consumer Rights Coalition and Maryland Legal Aid Bureau, Inc. *Friolo v. Frankel*, 942 A.2d 1242 (Md. 2008) (holding that an individual who successfully appeals an attorney fee awarded under a fee shifting statute is entitled to a lodestar calculation for his time and effort expended appealing the improper lower court fee award); and *Patton v. Wells Fargo Bank, N.A.*,

85 A.3d 167 (Md. 2014) (holding that CLEC has its own statute of limitations and that a violation of CLEC constitutes the basis of an independent breach of contract cause of action).

8. Mr. Zajdel was featured in the Maryland State Bar Association's Bar Bulletin (Dec. 2018) as the Pro Bono Profile for *pro bono* work performed on behalf of Maryland consumers as a representative of the Pro Bono Resource Center of Maryland's Consumer Protection Project.

9. Plaintiffs certify they have conferred with Defendant Educational Commission for Foreign Medical Graduates regarding this motion. ECFMG has authorized Plaintiffs to represent to the Court the following: "Because this motion appears to relate to an allocation of responsibility among Plaintiffs' counsel, counsel for ECFMG has advised that it takes no position on the requested relief."

WHEREFORE, Plaintiffs respectfully request that Z Law, LLC be appointed as additional class counsel in this matter.

Dated: April 29, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 30, 2020, the undersigned caused to be filed the foregoing Motion to Amend Order, using the CM/ECF system of the United States District Court for the Eastern District of Pennsylvania, which will send notification of the filing to all counsel of record.

/s/ Patrick Thronson

Patrick A. Thronson